

RESOLUTION NO. 119-84

BLUE RIDGE SEWER IMPROVEMENT DISTRICT
ASSESSMENT AREA 83-A

RESOLUTION APPROVING NOTICE OF NEW HEARING ON ASSESSMENT

WHEREAS, the Board of Directors of the Blue Ridge Sewer Improvement District has heretofore, pursuant to Arizona Revised Statutes Section 11-727E, set a time and place for a hearing upon the assessments; and

WHEREAS, said hearing was set for Tuesday, the 24th day of July, 1984; and

WHEREAS, said hearing was not held at the time and place scheduled because a quorum of the Board of Directors could not meet at the appointed date and hour; and

WHEREAS, Arizona Revised Statutes Section 11-747 provides that if a hearing, such as that described above, is not held at the time and place originally noticed, the Board of Directors may establish a time and place for the hearing and cause notice thereof to be given by publication at least one time in a newspaper published and of general circulation in the County within which the District is located. Said publication shall run at least five days prior to the date of the hearing; and

WHEREAS, in order to continue with the proceedings for the financing and construction of the sewer facilities within said Assessment Area, it is necessary that the hearing on assessment be postponed and changed to a new time and date certain.

THEREFORE, BE IT RESOLVED THAT:

The Board of Directors of the Blue Ridge Sewer Improvement District hereby approves the form of Notice to all property owners within Assessment Area 83-A as attached hereto and incorporated herein by reference, and instructs that said Notice shall be published one time in a newspaper of general circulation within the District five days prior to the hearing, and further mailed to each owner of property within said Assessment Area in the same manner as the original Notice of Hearing on Assessment was mailed, except that said Notice may be mailed subsequent to the adoption of this resolution and prior to the hearing set on August 7, 1984.

ADOPTED THIS 31st day of July, 1984.

BLUE RIDGE SEWER IMPROVEMENT DISTRICT

ATTEST:

Shawn D. Gears

BY:

[Signature]

NOTICE OF ASSESSMENT, DEMAND FOR PAYMENT AND
NOTICE OF HEARING ON ASSESSMENT
BLUE RIDGE SEWER IMPROVEMENT DISTRICT ASSESSMENT AREA 83-A OF
NAVAJO COUNTY, ARIZONA

TO: THE OWNERS OF PROPERTY WITHIN THE BLUE RIDGE SEWER IMPROVEMENT DISTRICT ASSESSMENT AREA 83-A OF NAVAJO COUNTY, ALL OTHER PERSONS CLAIMING AN INTEREST IN SUCH PROPERTY OR THE CONSTRUCTION OF COLLECTOR SEWER SYSTEM IMPROVEMENTS IN SUCH DISTRICT.

NOTICE IS HEREBY GIVEN that the Assessment Diagram has been approved by the Board of Directors and the Assessment has been duly made and recorded on June 26, 1984, and that the Construction Contract has been awarded to Aarid Construction Co., contingent upon the confirmation of the assessment, collection and the sale of bonds, that pursuant to A.R.S. Sec. 11-727 demand is hereby made upon all property owners within the Blue Ridge Sewer Improvement District Assessment Area 83-A to pay the full amount of the assessment against their particular parcel of property as hereafter set forth. If said assessment is not paid in full within forty (40) days of the date of recording of said assessment, bonds will be issued in the amount of the unpaid assessments.

Pursuant to Arizona Revised Statutes Section 11-747, notice is hereby given that the hearing originally scheduled for July 24, 1984, has been changed to 10:30 A.M., August 7, 1984.

THEREFORE, NOTICE IS HREBY GIVEN that a hearing on the assessment heretofore recorded by the Superintendent of Streets of the Blue Ridge Sewer Improvement District Assessment Area 83-A of Navajo County, Arizona, will be held at the following time and place:

DATE OF HEARING: August 7, 1984

TIME OF HEARING: 10:30 a.m.

PLACE OF HEARING: Board of Supervisors Meeting Room, South Highway 77,
Holbrook, Arizona

Said assessment covers the costs and expenses of the construction of improvements within the Blue Ridge Sewer Improvement District Assessment Area 83-A of Navajo County, Arizona and is in the following amount:

Total Construction Costs	<u>\$630,220.00</u>
Total Incidental Costs	<u>\$225,847.84</u>
TOTAL	<u>\$856,067.84</u>

The current assessment amounts assume payment in cash and do not include capitalized interest. Capitalized interest will be added to all assessments not paid in cash prior to the end of the cash collection period.

Said work is to be done in accordance with the contract between Jim Bruce, acting as the Superintendent of Streets, and Construction Co. Copies of the contract and all proceedings pertaining thereto are on file in the office of the Clerk of the Board of Directors of the District, whose office is that of the Clerk of the Board of Supervisors of Navajo County, Navajo County Courthouse, South Highway 77, Holbrook, Arizona. Said work is to be done in accordance with Resolution No. 67-84 adopted by the Board of Directors of the District on May 1, 1984.

The property assessed to pay for the costs and expenses of the construction of the aforementioned work comprises all the lots, portion of lots and pieces of land included within the following boundaries in Navajo County.

LEGAL DESCRIPTION:

ASSESSMENT AREA 83-A

The following is a legal description for Assessment Area 83-A, Blue Spruce Estates, which lies in a portion of the East half of Section 21 and the West half of Section 22, Township 9 North, Range 22 East of the G. & S. R.B. & M., Navajo County, Arizona, and is more particularly described as follows: Commencing at the Northwest corner of Section 22, Township 9 North, Range 22 East; thence South 89 deg. 40 min. 30 sec. East, 670.18 feet to the Point of Beginning; thence North 0 deg. 00 min. 55 sec. West, 16.5 feet; thence South 89 deg. 40 min. 30 sec. East, 60.00 feet; thence South 0 deg. 00 min. 55 sec. East, 16.5 feet; thence South 0 deg. 00 min. 55 sec. East, 663.38 feet; thence North 89 deg. 37 min. 51 sec. West, 69.14 feet; thence South 0 deg. 02 min. 09 sec. West, 1989.97 feet; thence South 0 deg. 02 min. 56 sec. West, 664.01 feet; thence North 89 deg. 28 min. 37 sec. West, 658.79 feet; thence North 89 deg. 30 min. 21 sec. West, 662.60 feet; thence North 0 deg. 01 min. 13 sec. East, 662.47 feet; thence North 0 deg. 00 min. 47 sec. West, 330.96 feet; thence North 89 deg. 39 min. 24 sec. West, 337.60 feet; thence North 5 deg. 49 min. 18 sec. West, 665.15 feet; thence South 89 deg. 44 min. 03 sec. East, 1107.44 feet; thence North 0 deg. 01 min. 12 sec. West, 994.23 feet; thence South 89 deg. 37 min. 51 sec. East, 549.94 feet; thence along a curve concave to the Southeast, said curve having a radius of 631.62 feet; a delta of 3 deg. 59 min. 01 sec. and a length of 43.91 feet; thence along another curve concave to the Northwest, said curve having a radius of 570.00 feet; a delta of 33 deg. 54 min. 48 sec. and a length of 337.38 feet; thence North 0 deg. 00 min. 55 sec. West, 307.23 feet; thence South 89 deg. 40 min. 30 sec. East, 60.00 feet to the Point of Beginning.

- as shown on the recorded plat or plats filed in the office of the County Recorder of Navajo County as indicated above, excepting therefrom any portion of any public street or alley that may be included in the above described district.

The work is further described as:

The construction and installation of collector sewers and laterals, pump stations and appurtenant facilities within the boundaries of the Assessment Area and other incidental work related thereto, together with all appurtenances and adjuncts necessary, all as shown on the Plans and Specifications.

Improvement bonds extending over a period of not to exceed 20 years from their date (which shall be on or about August 1, 1984) and bearing interest at a rate not to

exceed 15% per annum will be issued under the provisions of Sections 11-701 through 11.760.02, Arizona Revised Statutes, and all amendments thereto, in the name of the Blue Ridge Sewer Improvement District Assessment Area 83-A of Navajo County, but payable only out of the special fund to be provided from collections of assessments levied against the property situated within said District as above mentioned.

Any owner, the contractor and all other persons interested in the work or in the assessment who have any objections to the legality of the assessment or to any of the previous proceedings connected therewith or who wish to file an objection to the legality of the proceedings or who wish to object to the assessment or any part thereof or who wish to seek the modification of any assessment, may, at any time prior to the date and time set for the hearing, file with the Clerk of the Board of Directors of the Blue Ridge Sewer Improvement District Assessment Area 83-A of Navajo County, Arizona at the address stated above, a written notice briefly specifying the grounds of such objection. At the time fixed for such hearing, or at any time or times not later than 10 days thereafter to which such hearing may be postponed, said Board of Directors will hear and pass upon all objections so made and filed. The decision of the Board of Directors, upon the hearing, shall be final and conclusive upon all persons entitled to object as to all errors, informalities and irregularities which said Board of Directors might have remedied or avoided at any time during the progress of the proceedings.

This notice is published and mailed in accordance with the Resolution of said Board of Directors passed and adopted on July 31, 1984.

The Board has ordered that this Notice be published as follows:

PUBLISH:

Pursuant to Arizona Revised Statutes Section 11-747, one time in the Pinetop-Lakeside News, a weekly paper published and of general circulation in the County, first publication to be at least five days prior to the hearing.

EXECUTED this 31st day of July, 1984.

/s/ Sharon Keene

Clerk, Board of Directors

Blue Ridge Sewer Improvement District

Assessment Area 83-A

Navajo County, Arizona

DT/NotHrg83a